

the first and second bores is nearer the proximal end than the distal end.

10. (Original) The needle of claim 9, wherein the transition includes a radius.
11. (Original) The needle of claim 9, wherein the transaction includes a conical surface connecting the first and second inner diameters.

### **REMARKS**

Applicant hereby affirms the election made without traverse on April 5, 2005 in a telephone conversation with the examiner.

All the claims stand rejected under Section 102 as being anticipated by any of three prior art patents namely, Parkin, Otto and Powles et al. Claims 1 and 5 have been amended to overcome this rejection and to more clearly set forth the present invention. Independent Claim 9 because of the arguments set forth below has been improperly rejected. Because each pending independent Claim 1, 5 and 9 are allowable over the prior art, it is respectfully submitted that all pending claims are allowable and such allowances are requested at an earlier date.

Independent Claims 1 and 5 have been amended to set forth that the first larger inner diameter extends from the distal end toward the proximal end and independent Claim 9 already positively sets forth this structure. The structure of having the larger diameter extend from the distal end towards the proximal end is an essential element of the present invention and is completely in opposition to the structure disclosed in Parkin, Otto and Powles et al. Each of the prior art references cited against the present application disclose a smaller bore extending from the distal end towards the proximal

end with a transition to larger bore. Support for the amendment can be found at paragraph 17.

Having this small bore towards the proximal end of the needle as stated in paragraph 14 allows the surgeon to operate at a high vacuum range but yet have a low flow rate allows the surgeon to bore deep into a cataract and hold a cataract while a second instrument is used to segment the cataract. This advantage is recited in amended independent Claims 1 and 5 and as written in independent Claim 9 cannot be achieved by any of the prior art needles cited.

As stated before, Claim 9 already and positively recites that the first bore extends from the distal end towards the proximal end and that the first bore is larger than the second bore. This is opposite of the arrangement of the bores cited in the prior art. Amended Claims 1 and 5 have also positively set forth this arrangement where the first larger bore extends from distal end towards the proximal end, which helps achieve the results and advantages set forth in the specification that cannot be achieved by the cited art.

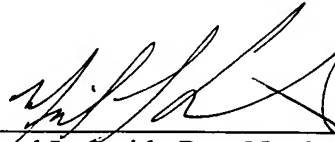
Therefore, it is respectfully submitted that amended independent Claims 1 and 5 are in condition for allowance, as well as, independent Claim 9 as originally filed.

Because the independent claims are allowable the pending depending claims should also

therefore be allowable and such allowances are requested at an earlier date.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Michael L. Smith", is written over a horizontal line.

Michael L. Smith, Reg. No. 35,685  
Harness, Dickey & Pierce, P.L.C.  
7700 Bonhomme, Suite 400  
St. Louis, Missouri 63105  
314-726-7500  
314-726-7501